

The States of Wyoming and Montana, pursuant to Federal Rule of Civil Procedure 65, move the Court for an order enjoining the November 18, 2016 final action of the United States Bureau of Land Management (Bureau) entitled *Waste Prevention, Production Subject to Royalties, and Resource Conservation*, found at 81 Fed. Reg. 83008 (Nov. 18, 2016) (known as the “Venting and Flaring Rule”). The States have attached a memorandum in support of this motion, as well as the affidavit of Bridget Hill, Wyoming Office of State Lands and Investments Director, the affidavit of Dan Noble, Wyoming Department of Revenue Director, the affidavit of Darla Potter, Wyoming Department of Environmental Quality, Air Quality Division, Air Quality Resource Management Program Manager, the affidavit of Nancy Vehr, Wyoming Department of Environmental Quality, Air Quality Division Administrator, and the affidavit of Mark Watson, Wyoming Oil and Gas Conservation Commission Oil and Gas Supervisor.

WHEREFORE, the States request that this Court enjoin the Bureau’s rule and maintain the status quo during the pendency of this appeal.

DATED this 28th day of November, 2016.

FOR THE STATE OF WYOMING

/s Elizabeth Morrisseau

Erik Petersen, Wyo. Bar No. 7-5608

Senior Assistant Attorney General

Elizabeth Morrisseau, Wyo. Bar No. 7-5307

Assistant Attorney General

Wyoming Attorney General’s Office

2320 Capitol Ave.

Cheyenne, Wyoming 82002

(307) 777-6946

erik.petersen@wyo.gov

elizabeth.morrisseau@wyo.gov

Attorneys for Petitioner State of Wyoming

FOR THE STATE OF MONTANA

/s/ Brandon Jensen

Brandon L. Jensen (Wyo. Bar No. 6-3464)
Budd-Falen Law Offices, LLC
300 East 18th Street
Post Office Box 346
Cheyenne, Wyoming 82003-0346
(307) 632-5105 Telephone
(307) 637-3891 Facsimile
brandon@buddfalen.com

Timothy C. Fox, Montana Attorney General
Alan L. Joscelyn, Chief Deputy Attorney General
Tommy H. Butler, Deputy Attorney General
Montana Dept. of Justice
215 North Sanders
Post Office Box 201401
Helena, Montana 59620-1401
(406) 444-0662 Telephone
timothyfox@mt.gov
alanjoscelyn@mt.gov
tommybutler@mt.gov

Attorneys for Petitioner State of Montana

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November, 2016, the foregoing **WYOMING AND MONTANA'S MOTION FOR PRELIMINARY INJUNCTION** was filed electronically with the Court, using the CM/ECF system, which caused the foregoing to be served electronically upon the following:

Clare M Boronow
United States Department of Justice
Environmental and Natural Resources Division
601 D Street NW
Washington, DC 20004
clare.boronow@usdoj.gov

Marissa A Piropatto
United States Department of Justice
Environmental and Natural Resources Division
601 D Street NW
Washington, DC 20004
marissa.piropatto@usdoj.gov

Tommy H Butler
Montana Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401
tommybutler@mt.gov

Timothy C Fox
Montana Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401
timfox@mt.gov

David P Garner
North Dakota Attorney General's Office
500 North 9th Street
Bismarck, ND 58501
dpgarner@nd.gov

Hope Hogan
North Dakota Attorney General's Office
500 North 9th Street
Bismarck, ND 58501
hhogan@nd.gov

Brandon Lee Jensen
Budd-Falen Law Offices
300 East 18th Street
P O Box 346
Cheyenne, WY 82003
brandon@buddfalen.com

Alan L Joscelyn
Montana Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401
alanjoscelyn@mt.gov

C Levi Martin
United States Attorney's Office
PO Box 668
Cheyenne, WY 82003-0668
Christopher.Martin@usdoj.gov

Wayne Stenehjem
North Dakota Attorney General's Office
500 North 9th Street
Bismarck, ND 58501
ndag@nd.gov

Paul M Seby
Greenberg Traurig LLP
1200 17th Street
Suite 2400
Denver, CO 80202
sebyp@gtlaw.com

Robert John Walker
Hickey & Evans
1800 Carey Avenue, Suite 700
PO Box 467
Cheyenne, WY 82003-0467
rwalker@hickeyevans.com

/s Erik E. Petersen
Senior Assistant Attorney General
Wyoming Attorney General's Office